

OCCUPATIONAL HEALTH SAFETY AND WELFARE

OA301

**OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984
OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT
REGULATIONS (No. 4) 1990**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Occupational Health, Safety and Welfare Amendment Regulations (No. 4) 1990*.

Principal regulations

2. In these regulations the *Occupational Health, Safety and Welfare Regulations 1988** are referred to as the principal regulations.

[*Published in the Gazette of 16 September 1988 at pp. 3767-3910. For amendments to 25 October 1990 see p. 313 of 1989 Index to Legislation of Western Australia and Gazettes of 6 July 1990 at pp. 3301-3 and 12 October 1990 at p. 5213.]

Regulation 103 amended

3. Regulation 103 of the principal regulations is amended in subregulation (1)—

(a) by deleting the definition of “classified plant” and substituting the following definition—

“ “classified plant” means designated plant specified in Part A of Schedule 4 other than plant included in any of the exceptions in regulation 612A; ”;

(b) in the definition of “crane”—

(i) by inserting before “equipped” the following—

“ of a designed lifting capacity exceeding one tonne that is ”;

(ii) by inserting before paragraph (a) the following paragraph—

“ (aa) an earth-moving machine or other structure that is equipped with a boom, jib or hook, even though it may not be principally designed for lifting a freely suspended load; and

(iii) by deleting paragraph (e);

(c) in the definition of “designated plant”, by deleting paragraph (a); and

(d) by deleting the definition of “lift”.

Regulation 505 amended

4. Regulation 505 of the principal regulations is amended in subregulation (1) by deleting “shall” and substituting the following—

“ commits an offence if he does not ”.

Regulation 506 amended

5. Regulation 506 of the principal regulations is amended by inserting after subregulation (1) the following subregulation—

“ (1a) The requirement specified in subregulation (1) (b) does not apply in the case of a knuckle boom crane that has a load chart displaying fixed capacity regardless of boom elevation angle. ”.

Regulation 526 amended

6. Regulation 526 of the principal regulations is amended in subregulation (1), by deleting “612 (3) (b)” and substituting the following—

“ 603A (1) (b) ”.

Regulation 603 amended

7. Regulation 603 of the principal regulations is amended by repealing subregulation (4) and substituting the following subregulation—

“ (4) The acceptance by the Commissioner of a design may be subject to such testing, or the making of such modifications, as the Commissioner sees fit to require in the acceptance. ”.

Regulations 603A and 603B inserted

8. After regulation 603 of the principal regulations the following regulations are inserted—

Initial inspection

“ 603A. (1) A person who manufactures, imports or supplies any designated plant for use at a workplace shall ensure that, before the plant is used—

(a) it has been inspected as required by the Commissioner, and found to be suitable for the use for which it is designed;

(b) an identification number assigned by the Commissioner to that plant, or plant of that design, is—

(i) in the case of a boiler or pressure vessel, legibly stamped on it; and

(ii) in any other case, legibly marked on it in accordance with AS 1319; and

(c) such other markings, if any, as the Commissioner may require to be marked on the plant are marked on the plant accordingly.

(2) A person who, without approval, disfigures, destroys, conceals or attempts to disfigure, destroy or conceal—

(a) the identification number stamped or otherwise marked on plant in accordance with subregulation (1) (b); or

(b) any other marking that is marked on plant in accordance with subregulation (1) (c),

commits an offence.

Acceptance of design as modified

603B. Where the Commissioner accepts a design subject to the making of modifications, a reference to the design accepted shall, unless the contrary intention appears, be taken to be a reference to the design as modified. ”.

Regulation 607 amended

9. Regulation 607 of the principal regulations is amended in subregulation (1) by inserting before “Schedule 4” the following—

“ Part A of ”.

Regulation 608 amended

10. Regulation 608 of the principal regulations is amended by repealing subregulation (2).

Regulation 610 amended

11. Regulation 610 of the principal regulations is amended—

(a) by repealing subregulation (1) and substituting the following subregulation—

“ (1) Upon the completion of an inspection under regulation 609, the Commissioner shall give a certificate of inspection in the form determined by him. ”;

and

(b) by repealing subregulation (2).

Regulation 611 amended

12. Regulation 611 of the principal regulations is amended in subregulation (4) by inserting before “Schedule 4” the following—

“ Part A of ”.

Regulation 612 amended

13. Regulation 612 of the principal regulations is amended by repealing subregulations (3) and (4).

Heading and regulations inserted

14. Before regulation 613 of the principal regulations the following heading and regulations are inserted—

“ *Division 3—Records and reporting*

Application

612A. This Division applies to designated plant that is specified in Schedule 4 except—

- (a) a pressure vessel used as a receiver for compressed air or gas, the maximum working pressure of which does not exceed 210 kilopascals, or which has a capacity not exceeding 0.15 cubic metres;
- (b) a pressure vessel designed, constructed and tested in accordance with the requirements of any Part of AS 2030;
- (c) a cafe boiler for hot drink dispensers of the Haros, Espresso or similar type where the maximum working pressure of the boiler does not exceed 240 kilopascals;
- (d) a gas vessel fitted as a fuel container in a motor vehicle;
- (e) any manually operated crane;
- (f) the following types of pressure vessels where the internal surfaces are inaccessible for visual inspection—
 - (i) a vulcaniser;
 - (ii) a platen heater;
 - (iii) a bed heated ironer;
 - (iv) a heating roll;
 - (v) a dimple plate heat exchanger that is not part of other plant to which this Division applies.

Records of information to be kept

612B. (1) An owner of designated plant to which this Division applies who—

- (a) fails to keep in an approved manner a record containing such information relating to the plant as the Commissioner specifies; or
- (b) upon being requested by—
 - (i) an inspector;
 - (ii) a health and safety representative;
 - (iii) a member of a health and safety committee; or
 - (iv) any other person who is an employee at the workplace at which the plant is used or to be used,

at any reasonable time to make the record referred to in paragraph (a) available for examination, fails to comply with that request, commits an offence.

(2) An owner of designated plant to which this Division applies commits an offence if, upon transferring ownership of the plant to a new owner, he fails to provide to the new owner, at the time when ownership is transferred, the record required by subregulation (1) (a) to be kept in relation to the plant. ”.

Regulation 613 amended

15. Regulation 613 of the principal regulations is amended in subregulation (1) by deleting “classified plant” and substituting the following—

“ designated plant to which this Division applies ”

Regulation 955 amended

16. Regulation 955 of the principal regulations is amended—

- (a) by inserting “and” after paragraph (a);
- (b) by deleting “; and” at the end of paragraph (b) and substituting a full stop; and
- (c) by deleting paragraph (c).

Regulation 1003 amended

17. Regulation 1003 of the principal regulations is amended by inserting after subregulation (4) the following subregulation—

“ (4a) Notwithstanding subregulations (1), (2) and (4), a person may operate or drive any plant in the course of its manufacture, maintenance, or repair if—

- (a) the plant is not driven outside the bounds of the workplace at which it is being manufactured, maintained, or repaired, as the case requires; and
- (b) the plant is not operated under load conditions. ”.

Schedule 4 substituted

18. Schedule 4 to the principal regulations is deleted and the following Schedule is substituted—

“ Schedule 4 (Reg. 103, 607, 612A)
Part A—Maximum Periods for Inspection
of Classified Plant

Column 1 Item No.	Column 2 Description of plant	Column 3 Period
	Boilers and pressure vessels	
1.	Fire tube boiler	1 year
2.	Water tube boiler (not exceeding 6 MW)	1 year
3.	Water tube boiler (exceeding 6 MW but not exceeding 20 MW)	2 years
4.	Autoclave (other than medical)	2 years
5.	Digester	1 year
6.	Jacketed cooker (industrial)	1 year
7.	Unfired pressure vessel that is a de-aerator attached to a boiler specified in this Part	same as boiler
8.	Unfired pressure vessel used to transport anhydrous ammonia in portable tanks or nurse tanks	2 years
9.	Unfired pressure vessel used to transport anhydrous ammonia in conventional road tanks	1 year
	Cranes	
10.	Truck self-loading crane of designed lifting capacity exceeding 10 metretonnes	2 years
11.	Mobile crane of designed lifting capacity exceeding 10 tonnes	1 year
12.	Tower crane	prior to use after each jump or 1 year, whichever is less
	Other	
13.	Man hoist, men and material hoist, building maintenance unit	2 years
14.	Amusement device	1 year

PART B—OTHER DESIGNATED PLANT
FOR WHICH RECORDS TO BE KEPT

Column 1 Item No.	Column 2 Description of plant
	Boilers and pressure vessels
15.	Water tube boiler (exceeding 20 MW)
16.	Electrode boiler
17.	Electric boiler
18.	Autoclave (medical)
19.	Sterilizer
20.	Unfired pressure vessel that is a de-aerator attached to a boiler specified in this Part.
21.	Unfired pressure vessel—static for refrigeration or air conditioning system
22.	Unfired pressure vessel—vacuum insulated (static)
23.	Unfired pressure vessel—vacuum insulated (transportable)
24.	Unfired pressure vessel made of carbon steel used to carry a gas other than anhydrous ammonia
25.	Unfired pressure vessel made of quenched and tempered steel used to carry a gas other than anhydrous ammonia
26.	Unfired pressure vessel other than of a class specified in Part A or in any of items 20 to 25 of this Part
27.	Static vessel used to store, under pressure, any liquid or gas
	Cranes
28.	Overhead electric travelling crane
29.	Gantry crane
30.	Truck self-loading crane of designed lifting capacity not exceeding 10 metre-tonnes
31.	Mobile crane of designed lifting capacity not exceeding 10 tonne
	Other
32.	Lift or escalator
33.	Hoist not specified in Part A.

By His Excellency's Command,

G. PEARCE, Clerk of the Council.